

### REMARKS

In the final office action mailed April 29, 2009, the Examiner rejected pending Claims 1, 4 – 12, and 14 – 21 under 35 U.S.C. § 112, first paragraph, for failing to comply with the written description requirement and further under 35 U.S.C. § 112, second paragraph for being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. By this paper, the Applicant has amended Claim 1 and reconsideration of the above-captioned application in light of the amendments and remarks contained herein is now respectfully requested.

By this paper, the Applicant is amending Claim 1 to recite that the two portions are not biased apart *by the resiliently deformable portion* when the resiliently deformable portion is not deformed. In the office action, the Examiner pointed to paragraph 47 when indicating that the two portions are biased apart by the catch 11 and thereby rejected the claims as being inconsistent with the specification. However, the Applicant submits that Claim 1 as amended is does not contradict the specification. The resiliently deformable portion does not bias the two portions regardless of whether the catch 11 is providing the bias described in paragraph 47.

The Applicant believes that the claims as amended, and in particular Claim 1 as amended, comply with the requirements of 35 U.S.C. § 112 both first and second paragraphs. The Applicant therefore believes the above-captioned application is in condition for allowance and requests the prompt allowance of the same. Should there be any impediment to the prompt allowance of this application that could be resolved by a telephone conference, the Examiner is respectfully requested to call the undersigned at the number shown below.

#### No Disclaimers or Disavowals

Although the present communication may include alterations to the application or claims, or characterizations of claim scope or referenced art, Applicant is not conceding in this application that previously pending claims are not patentable over the cited references. Rather, any alterations or characterizations are being made to facilitate expeditious prosecution of this application. Applicant reserves the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Accordingly, reviewers of this or any parent, child or related prosecution history shall not

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reasonably infer that Applicant has made any disclaimers or disavowals of any subject matter supported by the present application.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: June 30, 2009

By: \_\_\_\_\_

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